

IN THE UTAH COURT OF APPEALS

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State of Utah, in the interest)	MEMORANDUM DECISION
of G.M., a person under)	(Not For Official Publication)
eighteen years of age.)	
_____)	Case No. 20080878-CA
)	
D.M.)	F I L E D
)	(January 23, 2009)
Appellant,)	
)	2009 UT App 18
v.)	
)	
State of Utah,)	
)	
Appellee.)	

Second District Juvenile, Ogden Department, 541109
The Honorable J. Mark Andrus

Attorneys: Sharon S. Sipes, Ogden, for Appellant
Mark L. Shurtleff, Carol L.C. Verdoia, and John M.
Peterson, Salt Lake City, for Appellee
Martha Pierce, Salt Lake City, Guardian Ad Litem

Before Judges Greenwood, Davis, and McHugh.

PER CURIAM:

D.M. (Father) appeals the termination of his parental rights in G.M. We affirm.

Father asserts that there was insufficient evidence to terminate his parental rights. In order to overturn a juvenile court's findings regarding the sufficiency of evidence, the result must be against the clear weight of the evidence or leave the appellate court with a firm conviction that a mistake has been made. See In re B.R., 2007 UT 82, ¶ 12, 171 P.3d 435. Due to the factually intense nature of such inquiries, the juvenile court's decision is afforded a high degree of deference. See id.

Pursuant to Utah Code section 78A-6-507(1)(c), the court may terminate a parent's rights to his or her children if the court finds that the parent is unfit. See Utah Code Ann. § 78A-6-507(1)(c) (2008). The determination that a parent is unfit is a

sufficient basis alone to terminate parental rights. See id. § 78A-6-507(1). In determining whether a parent is unfit, the court shall consider, among other things, a parent's emotional illness, mental illness, or mental deficiency that renders the parent unable to care for the immediate and continuing physical or emotional needs of his or her child for an extended period of time. See id. § 78A-6-508(2)(a).

The record supports the juvenile court's determination that Father is an unfit parent due to his mental illness. Specifically, the record indicates that Father has mental disorders which render him unable to care for G.M.'s immediate and continuing physical and emotional needs. The record also demonstrates instances where Father has been a danger to himself and G.M., including hostility and threats against the Division of Child and Family Services staff. On one occasion, Father took G.M. from DCFS staff without permission which required police intervention in order to ensure G.M.'s safety. Thus, we cannot say that the juvenile court's determination that Father is an unfit parent is against the clear weight of the evidence.

Father next asserts that there was insufficient evidence to support the juvenile court's determination that it was in G.M.'s best interests to terminate Father's parental rights. If there are sufficient grounds to terminate parental rights, in order to actually do so, "the court must [next] find that the best interests and welfare of the child are served by terminating the parents' parental rights." In re R.A.J., 1999 UT App 329, ¶ 7, 991 P.2d 1118; see also Utah Code Ann. § 78A-6-506(3). The determination of whether the termination of parental rights is in the best interests of the child is reviewed for an abuse of discretion. See In re A.G., 2001 UT App 87, ¶ 7, 27 P.3d 562. A juvenile court's findings of fact will not be overturned unless they are clearly erroneous. See id. A finding of fact is clearly erroneous only when, in light of the evidence supporting the finding, it is against the clear weight of the evidence. See id.

The record also supports the juvenile court's determination that it was in G.M.'s best interests to terminate Father's parental rights. Father's mental issues and behavior interfere with his ability to interact with G.M., other persons of significance in G.M.'s life, and Father's rehabilitation. G.M. is currently residing with foster parents where he is doing well and he receives proper care, attention, and love. G.M. identifies his foster parents as his own, and has developed the normal bond of love and affection for his foster parents, who wish to adopt him. Thus, we cannot say that the juvenile court's determination that it is in G.M.'s best interests to terminate

Father's parental rights was against the clear weight of the evidence.

Accordingly, the termination of Father's parental rights is affirmed.

Pamela T. Greenwood,
Presiding Judge

James Z. Davis, Judge

Carolyn B. McHugh, Judge